

IN RE: PETITION FOR ZONING VARIANCE  
NE of the intersection of  
Cold Bottom Road and Yeoho Road  
(1620 Cold Bottom Road)  
5th Election District  
and Councilmanic District

BEFORE THE  
DEPUTY ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 89-516-A

Thomas F. Mullan, III  
Petitioner

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Petitioner herein requests a variance to permit a swimming pool in the side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1.

The Petitioner appeared, testified and was represented by Robert A. Hoffman, Esquire. There were no Protestants.

Testimony indicated that the subject property, known as 1620 Cold Bottom Road, also known as Sweetwater Farm, consists of 150 acres zoned R.C. 2 and is improved with existing tenant houses and a barn. Petitioner proposes constructing a single family dwelling with a swimming pool as an accessory structure in the side yard. Testimony indicated that due to the layout of the land and the design of the proposed dwelling the requested variance is necessary. Petitioner testified the requested variance will not result in any detriment to the health, safety or general welfare of the surrounding community in view of the fact that the proposed swimming pool will be approximately 180 feet from the side property line.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record

that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and the public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

30th THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner this day of June, 1989 that the Petition for Zoning Variance to permit a swimming pool in the side yard in lieu of the required rear yard in accordance with Petitioner's Exhibits 1A and 1B, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

*J. Robert Haines*  
ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

AMN:bjs

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 587-3333

J. Robert Haines  
Zoning Commissioner

June 20, 1989



Dennis F. Rasmussen  
County Executive

John B. Howard, Esquire  
Robert A. Hoffman, Esquire  
210 Allegheny Avenue  
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE  
NE of the intersection of Cold Bottom Road and Yeoho Road  
(1620 Cold Bottom Road)  
5th Election District - 3rd Councilmanic District  
Thomas F. Mullan, III - Petitioner  
Case No. 89-516-A

Dear Messrs. Howard and Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

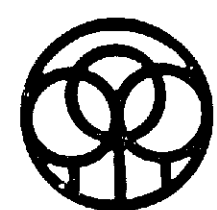
*J. Robert Haines*  
ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

AMN:bjs

cc: People's Counsel

File

DAFT-MCUNE-WALKER, P.C.



200 East Pennsylvania Avenue  
Towson, Maryland 21204  
Telephone 301-296-3333  
Land Planning Consultants  
Landscape Architects  
Engineers & Surveyors

**Description**

**To Accompany Petition for Zoning Variance**

Cold Bottom Road at Yeoho Road  
Fifth Election District, Baltimore County, Maryland

beginning for the same at a point in the center of Cold Bottom Road, said point being distant 1175 feet more or less as measured in a northeasterly direction from the intersection of the centerline of Cold Bottom Road with the centerline of Yeoho Road, thence leaving said Cold Bottom Road and running the thirteen following courses and distances, viz: (1) North 10 degrees 49 minutes 30 seconds West 2095.49 feet, thence (2) North 13 degrees 24 minutes 17 seconds East 717.94 feet, thence (3) South 81 degrees 28 minutes 22 seconds West 305.29 feet, thence (4) North 66 degrees 49 minutes 00 seconds West 339.87 feet, thence (5) North 04 degrees 01 minute 04 seconds East 668.66 feet, thence (6) South 69 degrees 09 minutes 54 seconds West 938.63 feet, thence (7) South 37 degrees 56 minutes 21 seconds East 199.89 feet, thence (8) South 63 degrees 25 minutes 06 seconds West 230.92 feet, thence (9) South 70 degrees 17 minutes 10 seconds West 1083.56 feet, thence (10) South 01 degree 04 minutes 57 seconds East 428.77 feet, thence (11) South 19 degrees 03 minutes 27 seconds East 791.16 feet, thence (12)

Page 1 of 2

South 69 degrees 25 minutes 40 seconds West 377.85 feet, thence (13) South 55 degrees 01 minutes 00 seconds East 305.25 feet to a point in the center of Yeoho Road, thence running and binding in or near the center of Yeoho Road, the five following courses and distances, viz: (14) South 63 degrees 00 minutes 00 seconds East 313.50 feet, thence (15) South 57 degrees 35 minutes 00 seconds East 1237.50 feet, thence (16) South 17 degrees 15 minutes 00 seconds East 231.00 feet, thence (17) South 15 degrees 32 minutes 01 second East 24.75 feet, and thence (18) South 15 degrees 32 minutes 01 second East 221.10 feet thence leaving the center of Yeoho Road (19) North 76 degrees 35 minutes 49 seconds East 701.25 feet to a point in Cold Bottom Road, thence (20) North 84 degrees 12 minutes 21 seconds East 196.35 feet to a point in Cold Bottom Road, and thence (21) North 87 degrees 18 minutes 21 seconds East 277.00 feet to the point of beginning.

Containing 146.652 acres of land more or less.

NOTE: THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT TO BE USED FOR CONVEYANCE.

April 4, 1989

Our Job No. 87115 (L871115)



Page 2 of 2

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

J. Robert Haines  
Zoning Commissioner

Date: 6/9/89



Dennis F. Rasmussen  
County Executive

RE: Petition for Zoning Variance  
CASE NUMBER: 89-516-A  
NE Intersection of Cold Bottom and Yeoho Roads  
5th Election District - 3rd Councilmanic  
District  
Petitioner(s): Thomas F. Mullan, III  
HEARING SCHEDULED: FRIDAY, JUNE 16, 1989 at 2:00 P.M.

Dear Mr. Mullan:

Please be advised that \$495.53 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

**THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.**

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before the hearing is scheduled to begin.

1 post set(s), there  
each set not

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE-REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE: 6-9-89 ACCOUNT: 89-516-A

AMOUNT: \$ 495.53

RECEIVED FROM: *J. Robert Haines*

FOR: *Advertising & Posting*

VALIDATION OR SIGNATURE OF CASHIER  
FEE: CASHIER FEE: AGENCY YELLOW COUNTER

**PETITION FOR ZONING VARIANCE**  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-516-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 300.1 to permit a swimming pool in the side yard in lieu of the required rear yard.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

To be determined at hearing

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law of Baltimore County.

I/We do solemnly declare and affirm under the penalties of perjury that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	Thomas F. Mullan, III
Signature	(Type or Print Name)
Address	Signature
City and State	(Type or Print Name)
Attorney for Petitioner:	Signature
John B. Howard, Esquire	c/o Mullan Enterprises
(Type or Print Name)	Foxleigh Bldg. - Suite 210
Address	2330 L. Joppa Road
City and State	494-9200
Signature	Address Phone No.
210 Allegheny Avenue	Timonium, Maryland 21093
Towson, Maryland 21204	City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted	Signature
John B. Howard, Esquire	Name
Name 210 Allegheny Avenue	Address
Towson, Maryland 21204	City and State
823-4111	Phone No.
823-4111	

ORDERED By The Zoning Commissioner of Baltimore County, this 19th day of June, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 16th day of June, 1989, at 2 o'clock P.M.

J. Robert Haines  
Zoning Commissioner of Baltimore County

(over)

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

J. Robert Haines  
Zoning Commissioner

July 12, 1989

**NOTICE OF HEARING**



Dennis F. Rasmussen  
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 N. Chesapeake Avenue in Towson, Maryland as follows:

Petitioner for Zoning Variance  
CASE NUMBER: 89-516-A  
NE Intersection of Cold Bottom and Yeoho Roads  
5th Election District - 3rd Councilmanic  
District  
Petitioner(s): Thomas F. Mullan, III  
HEARING SCHEDULED: FRIDAY, JUNE 16, 1989 at 2:00 P.M.

Variances to permit a swimming pool in the side yard in lieu of the required rear yard.

In the event that this Petition is granted, a building permit may be obtained within the thirty (30) day appeal period. The Zoning Commissioner will determine and request for a stay of the issuance of said permit during the appeal period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County  
c/o Thomas F. Mullan, III  
Foxleigh Building & Suite  
210  
2330 L. Joppa Road  
Towson, Maryland 21204  
494-9200



**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 5th Date of Posting May 30, 1989  
Posted for Thomas F. Mullan, III  
Petitioner: Thomas F. Mullan, III  
Location of property: NE intersection of Cold Bottom Road and  
Yeecho Road  
Location of Sign: On front of subject property 1600 Cold  
Bottom Road  
Remarks: See front of subject property 1600 Cold  
Posted by John B. Howard Date of return: June 2, 1989  
Number of Signs: 1

**CERTIFICATE OF PUBLICATION**

TOWSON, MD. May 30, 1989  
THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 25, 1989.

THE JEFFERSONIAN  
TOWSON TIMES.

S. Zabo Orlov  
Publisher

P012548  
ny M30903  
cs 89-516-A  
price \$190.53

89-516-A

**BALTIMORE COUNTY OFFICE OF PLANNING & ZONING**

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this  
19th day of April, 1989

Petitioner: Mullan Enterprises Received by: James E. Dyer  
Petitioner's Attorney: John B. Howard et al Chairman, Zoning Plans  
Zoning Commissioner Advisory Committee

**BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE**

May 31, 1989

COUNTY OFFICE BLDG.  
111 W. CHESAPEAKE AVE.  
TOWSON, MARYLAND 21204

John B. Howard, Esquire  
210 Allegheny Avenue  
Towson, MD 21204

RE: Item No. 422, Case No. 89-516-A  
Petitioner: Mullan Enterprises, et al  
Petition for Zoning Variance

MEMBERS  
Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

Dear Mr. Howard:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Thomas F. Mullan, III  
Mullan Enterprises  
Foxleigh Bldg, Suite 210  
2330 W. Joppe Road  
Timonium, MD 21093

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
County Office Building  
Towson, Maryland 21204  
(301) 887-3354

April 27, 1989



Dennis F. Rasmussen  
County Executive

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for Items number 388, 389, 415, 416, 419, 420, 421, 422, and 423.

Very truly yours,

Michael S. Flanigan  
Michael S. Flanigan  
Traffic Engineer Assoc. II

MSF/lwb

RECEIVED  
MAY 23 1989  
ZONING OFFICE

Baltimore County  
Fire Department  
Towson, Maryland 21204-2586  
44-4500

Paul H. Remick  
Inc.

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

Re: Property Owner: Thomas F. Mullan, III

Location: NE intersection of Cold Bottom and Yeecho Roads

Item No.: 422

Zoning Agenda: 4/18/89

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_

EXCEEDS the maximum allowed by the Fire Department.

- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- ( ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.

- (X) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Paul H. Remick 4-14-89 Noted and Approved: Paul H. Remick  
Planning Group Fire Prevention Bureau  
Special Inspection Division

**BALTIMORE COUNTY, MARYLAND**  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner

DATE: May 27, 1989

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case No. 89-516-A  
Item No. 422

Re: Thomas F. Mullan, III

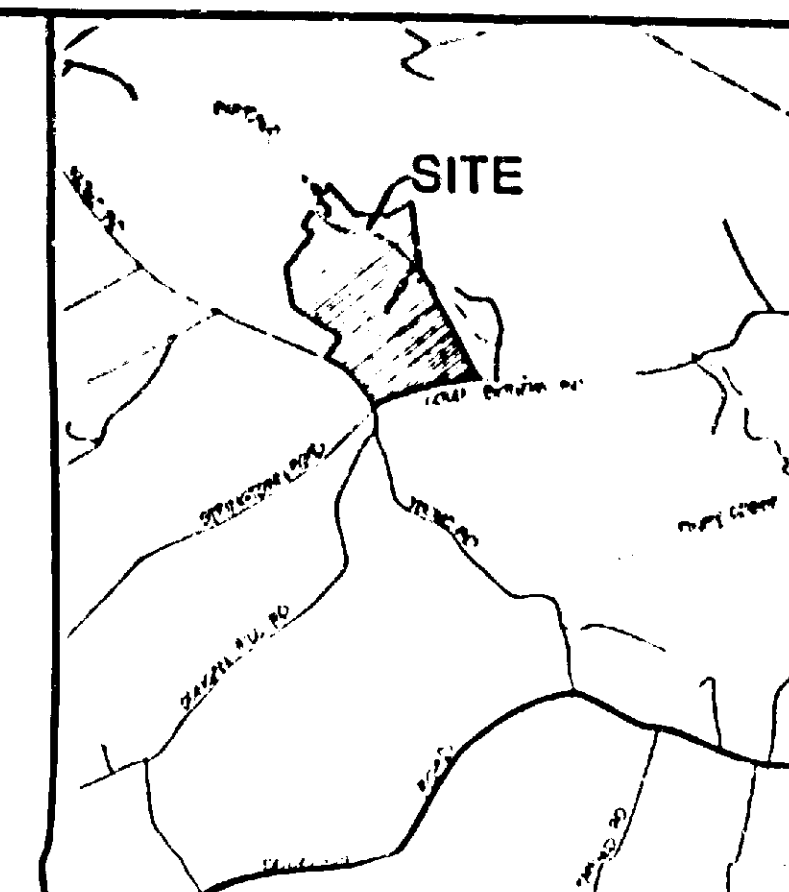
The Petitioner requests a variance to permit a swimming pool in the side yard in lieu of the required rear yard. In reference to this request, staff offers no comment.

APPROVED: Pat L

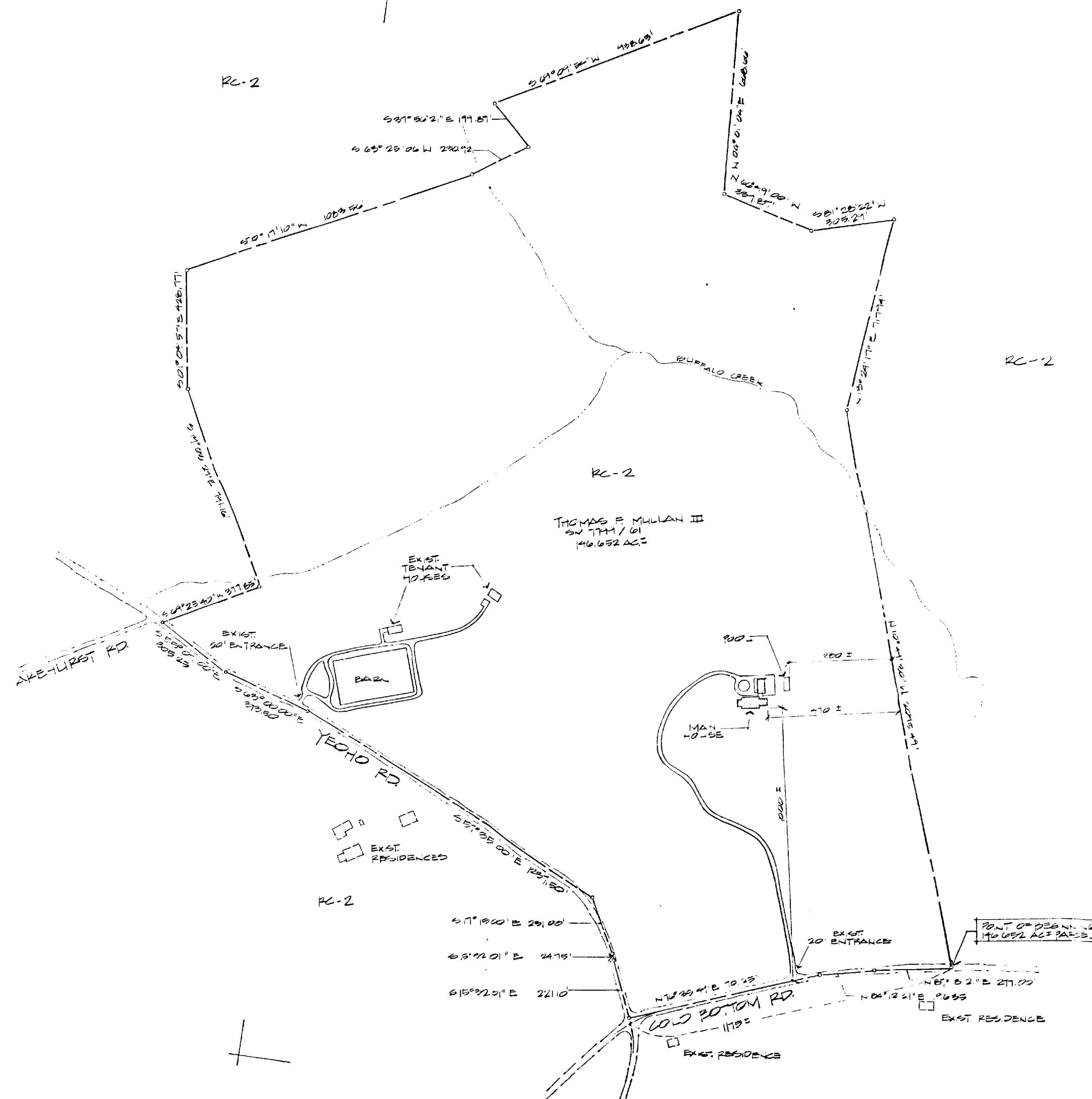
RECEIVED  
MAY 27 1989  
ZONING OFFICE





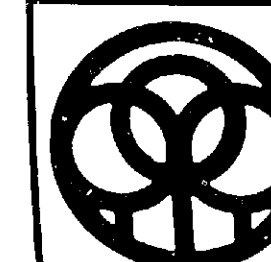


VICINITY MAP  
1" = 2000'



General Notes

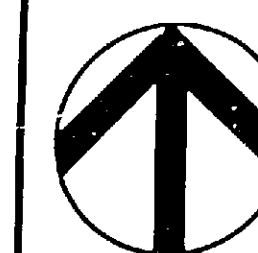
1. Tax Account No. 05-1900005140
2. Election District 5 CORNALL DISTRICT 5
3. All on-site lighting will be arranged to not shine or reflect on adjoining premises.
4. The site is served by existing on-site well and septic systems.



DAFT · McCUNE · WALKER INC.  
LAND PLANNING CONSULTANTS  
LANDSCAPE ARCHITECTS  
ENGINEERS  
200 E. PENNSYLVANIA AVE.  
TOWSON, MD 21204  
TELEPHONE (301) 246-3333

PLAN AND PLAT TO ACCOMPANY  
ZONING VARIANCE

SWEETWATER FARM



*Redacted signature*

DATE REVISIONS

SCALE:  
1" = 200'  
JOB ORDER NO.  
87115  
ISSUE DATE

2 of 2